



State of New Hampshire
WATER WELL BOARD



Kelly M. Dobrowolski, *Pump Installer, Chair*
Peter W. Caswell, C.W.D. - P.I., *Water Well Contractor*
Scott Costa, C.W.D. - P.I., *Water Well Contractor*
Abigail Fopiano, P.G., *Staff*

Bart Cushing, *Technical Driller*
Rene Pelletier, P.G., *Dept. of Environmental Services*
Frederick H. Chormann, Jr., P.G., *State Geologist*
Steve Lamb, P.G., *Public Member*

Final
NH WATER WELL BOARD MINUTES

April 3, 2018

A meeting of the New Hampshire Water Well Board ("Board") was held on April 3, 2018, in the Department of Environmental Services (DES) Building in rooms 112 & 113, 29 Hazen Drive, Concord, NH 03301.

Present were: Kelly Dobrowolski, Chair
Board Members: Scott Costa, Bart Cushing, Peter Caswell, Rene Pelletier, Rick Chormann, and Steve Lamb
DES Staff: Andrew Koff, Abigail Fopiano

Administrative Hearing – Tri-State Drilling and Boring, License No. 1762:

Ms. Dobrowolski opened the hearing at 9:32 A.M., and read the opening statements. The Board members introduced themselves and welcomed the public in attendance.

Mr. Koff was sworn in and provided testimony and evidence to the Board relative to well completion reports that were either not submitted or submitted late by Tri-State Drilling and Boring, license no. 1762.

Following Mr. Koff's testimony Mr. Faulkner (license no. 1762), the qualified individual of Tri-State Drilling and Boring, was sworn in and provided testimony to the Board. Mr. Faulkner noted he has had trouble submitting well completion reports in a timely manner in the past and discussed their drilling operations.

Following questions from the Board, Mr. Koff's and Mr. Faulkner's testimony concluded.

The testimony ended at 10:02 A.M.

Deliberations were held from 10:03 A.M. to 11:18 A.M. Following the discussion, upon motion by Mr. Cushing and seconded by Mr. Costa, the Board voted unanimously to suspend license no. 1762 with the following Conditions:

- Suspend Tri-State's water well license pursuant to RSA 482-B:8,I(d) for 120 days starting on the date of the Decision and Order signed April 16, 2018. Tri-State Drilling & Boring is ordered to cease all well construction operations in the State of New Hampshire during the suspension.
- Require that within 30 days of the Decision and Order signed April 16, 2018, Tri-State shall submit to the Board all missing well completion reports and revisions to any incomplete or incorrect reports submitted at the Savage Well and Keefe Superfund Sites.
- Tri-State is to submit a written plan to improve future well completion report practices to the Board at or before the next Water Well Board meeting on June 7, 2018. At such time the Board

will review the plan and potentially lift the suspension if the above conditions are met and considered acceptable.

- After the suspension period, Tri-State will remain on probation for a two year period. During this probationary period, Tri-State will be required to continue to submit well completion reports on a quarterly basis.

It was noted that if Mr. Faulkner fails to comply with the conditions of the suspension, it would result in the scheduling of an administrative hearing to again consider suspension or revocation of the water well contractor, license No. 1762, held by Neal Faulkner and Tri-State.

After the end of deliberations at 11:18 AM there was a break in the meeting. Ms. Dobrowolski brought the meeting back to order at 11:34 A.M. The Board members introduced themselves and welcomed the public in attendance.

Well siting concerns under the new rules

In lieu of time and attendance, the Chairman moved Item #8 on the Agenda to be heard. Roger Skillings, of Skillings & Sons Inc., addressed the Board with concerns related to discrepancies of when special methods of construction are needed, specifically on approved septic plans with a proposed well location. A discussion ensued where those in attendance agreed that the requirements are not clear and it would be advantageous to have more clarity. Mr. Pelletier clarified the septic system setback rules and approval processes. Mr. Skillings requested that the approved septic plans have a notation of what the well construction requirements would be, with the example of noting the minimum amount of casing and that it needs to be grouted, given the well location and relevant Env-We 600 set-back rules. Mrs. Dobrowolski noted a concern that if septic plans stipulate a condition where the wording includes "minimum amount of casing" and/or "required grout" it would mislead people that a dug well or point well could not be installed. Others on the Board agreed with this concern. Mr. Koff suggested that approved septic plans shall, when applicable, notate that the proposed well may require special methods of construction.

A discussion occurred that addressed concerns of new wells in approved subdivisions where proposed well locations are within 75 feet of a public road and if special methods are required. A discussion followed related to a contradiction of Env-We 602.08 and 602.09. Mr. Cushing requested further discussion of the set-back rules at the next Board meeting. The Board agreed and requested that a representative from the DES Subsurface Systems Bureau be invited to attend the next Board meeting to discuss further.

Introduction of Abigail Fopiano to the Water Well Program Staff

Mr. Koff updated the Board that DES has hired Abigail Fopiano, P.G. to fill Rick Schofield's former position as the Water Well Program Manager. Ms. Fopiano introduced herself and provided a brief synopsis of her experience as a working hydrogeologist in New Hampshire.

Approval of Minutes

The Board reviewed the Minutes for the February 8, 2018 Board meeting. Ms. Dobrowolski noted a grammatical error to be corrected. Mr. Pelletier motioned to approve the February 8, 2018 Water Well

Board Minutes as amended. Mr. Cushing seconded the motion and the Board unanimously voted to accept the amended minutes.

New License Applications

The Board considered an application for a pump installer license. After review of the application and references Mr. Pelletier motioned to approve the applicant to sit for the pump installer license exam. Mr. Cushing seconded the motion and the Board unanimously voted to allow the applicant to sit for the pump installer license exam.

The Board continued to consider an application for a water well contractor license and a pump installer license from previous meetings. After review of supplemental information Mr. Cushing motioned to approve the applicant to sit for the pump installer license exam. Mr. Pelletier seconded the motion and the Board unanimously voted to allow the applicant to sit for the pump installer license exam. Mr. Costa motioned to approve the applicant to sit for the water well contractor license exam. Mr. Pelletier seconded the motion and the Board voted 4 in favor and 2 opposed to allow the water well contractor to sit for the license exam.

Licensing Database – MLO Conversion Update

Mr. Koff provided an update that there was no status update to report in regards to the generation of the New Hampshire Department of Information Technology (DoIT) My License Office (MLO) database conversion procedures and program structure. Mr. Koff and Ms. Fopiano will provide the Board with an update on the conversion over the next couple months. There is reported optimism that the conversion would be completed in the coming months prior to the next license renewal cycle. If the MLO is not ready for use in the 2018-2019 License Renewal process, the renewals will occur as they have in the past.

License Renewal Form

Mr. Koff presented the updated 2018-2019 License Renewal Form for review by the Board. Mr. Koff noted that it is a requirement to have each Licensee submit proof of the business registration with the NH Secretary of State, this requirement and the required documents of proof are noted on the update Renewal Form.

The meeting broke for lunch at 12:45 P.M. Ms. Dobrowolski brought the meeting back to order at 1:20 P.M.

DES Enforcement Report

Ms. Emily Jones presented a report to the Board regarding enforcement actions initiated by DES for violations of RSA 482-B and the rules of the Board, We 100 - 1000. The report included a general overview of the violations, DES actions, and current status of specific cases handled mostly over the last year. A discussion occurred as to the reasoning behind the enforcement fine of \$100 per offense of not submitting Well Reports in a timely manner. Within this discussion, Mr. Cushing requested that DES consider increasing this fine if the enforcement action is against repeat offender of the rules and statutes.

Mr. Cushing requested that the enforcement report include a synopsis of cases that have been settled with a stipulation of 2 years compliance so the Board can see who is maintaining compliance with DES enforcement actions.

Well Completion Reports

Mr. Koff presented the probation report for current licensees on probation as well as any that have recently been taken off probation. Mr. Koff reported that Faxon Well has been in compliance with the terms of their probation to date, and discussed the time remaining on their probation. Mr. Koff reported that Tri-State Drilling is currently out of compliance with the terms of their probation and reiterated the reasoning for the administrative hearing that was held at the beginning of the meeting.

Mr. Koff presented a summary of the number of well reports submitted in 2017 per license number. Based on a review of this summary it was noted that Roth Artesian Well Company (license no. 20) and Forest Pump and Filter Co., Inc. (license no. 1382) submitted fewer reports than previous years. The Board opted to send both Roth Artesian Well Company and Forest Pump and Filter letters requesting them to check their records and ensure that all well reports for 2017 have been submitted.

Pump Installer Continuing Education

Mr. Koff noted that there is a continuing education opportunity to be held at DES on June 5th between 5 and 7 P.M and that a topic for the training needed to be decided upon. Electrical training on the current NEC was proposed as the topic the Board; the Board agreed this was a good training topic.

Old Business

Mr. Koff noted that he attended and spoke at the Maine Water and Sustainability conference on the topic of New Hampshire's shallow well program.

New Business

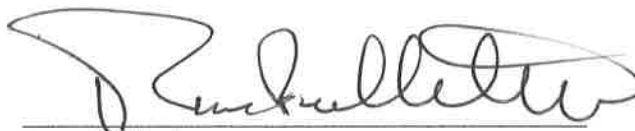
Review of Board letter sent June 16, 2017

Mr. Cushing presented a concern posed by a Licensee Mr. David Hunt of whom wanted the Board to rescind a letter that the Board had sent out, dated June 16, 2017, to a homeowner regarding well siting options at a property that is proposed to be converted from a three-season to a four-season home. The concern was that the letter which was from the Board stipulated using a well in a select location as a four-season well and that the Board does not have authority to stipulate use. Mr. Pelletier clarified that the notations in the letter regarding the use of the well were written to be informative that if the use of property were to change, DES Subsurface regulations must be followed. It was not written as a regulation imposed by the Water Well Board.

Business licensing and working under DBAs

Mr. Koff discussed a concern that was brought to his attention by a licensee. The concern was related to a licensed company that has started a new division and is doing business as (DBA) under a different name and is reported to be advertising as such. The Board discussed how our rules regulate this issue, Ms. Dobrowolski requested Mr. Koff and Ms. Fopiano request a review of this issue with the Board's lawyer and provide an update to the Board.

Mr. Cushing motioned to adjourn the meeting. Mr. Pelletier seconded the motion, and the Board unanimously voted to adjourn at 2:38 P.M.

A handwritten signature in black ink, appearing to read "Rene Pelletier", written over a horizontal line.

Rene Pelletier
Water Well Board Secretary

